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SUMMARY RECORD OF THE 37th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 8 November 2007, at 10 a.m.

Chairperson: Mr. TEXIER

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Fifth periodic report of Ukraine (continued) (E/C.12/UKR/5; E/C.12/UKR/Q/5 and Add.1; HRI/CORE/1/Add.63/Rev.1)

1. At the invitation of the Chairperson, the members of the delegation of Ukraine resumed their places at the Committee table.

Articles 6 to 9 of the Covenant (continued)

2. The CHAIRPERSON invited the delegation of Ukraine to reply to the questions posed at the previous meeting.

3. Ms. DROZDOVA (Ukraine) said that the country had 125 trade unions and professional associations; nine new ones had been registered by the Ministry of Justice in 2007. The trade unions of salaried employees of public bodies had 150,000 members. Decisions were taken by the rank and file and forwarded to the 25 regional administrative units (oblast) before being sent to the national level, in keeping with the policy of the Ministry of Labour and Social Policy. Thus, on no account was the trade union movement in Ukraine suppressed; on the contrary, it was growing, as could be seen by the large number of registered trade unions and the many national (43) and regional (26) associations. The trade unions of civil servants sought to address the concrete problems of salaried employees. With regard to interaction between the local and central executive bodies and trade union organizations, an act on social dialogue had been passed in 2005.

4. The governing bodies of social insurance funds, which were made up of representatives of the State, employers and trade unions, took group decisions on all questions placed before them. Regional and sectoral agreements concluded between the relevant ministries and sectoral professional associations helped resolve problems in a given region or branch of activity. In promoting social dialogue between all parties, the Government focused on the question of the harmonization of legal instruments applicable to specific sectors, in consultation with the trade unions and employers' organizations. Panel discussions and thematic conferences were held on topical issues of general interest, such as pensions and retirement insurance, and wide-ranging information campaigns had been conducted. Of a population of 48 million persons, 14 million received an old-age pension, an invalidity pension, family allowances or other benefits. If housing subsidies and other social welfare payments were added, about half the population was concerned. Hence the need for people to be informed, which was done in cooperation with non-governmental organizations (NGOs) and the trade unions.

5. As to social protection for persons with disabilities, the rehabilitation programme for such persons had been completed at the end of 2006, and a new programme had been adopted in May 2007. As a young independent State which had been in existence for only about 15 years, Ukraine must bring its legislation into line with European norms; that meant considerable work for Parliament. The Government sought to learn from other European countries, but it was impossible to immediately transpose their experience due to differing social structures. In the

area of regional assistance centres for disabled persons, the Government drew upon the Swedish example.

6. The act on social protection for the disabled provided that four per cent of jobs in enterprises must be set aside for such persons. In recent years, trade unions in heavy industry had conducted a major initiative in Parliament to eliminate those quotas, but the Government had resisted the pressure and had kept them in force. Clearly, there was no question of employing disabled persons at the bottom of mines or in blast furnaces; the point was to achieve acceptance of the principle that all sectors of the economy, including heavy industry, could create jobs tailored to disabled persons – especially since many disabilities were the result of occupational illnesses or accidents in heavy industry. Currently, 390,000 persons with disabilities were working in Ukraine. Anyone who became disabled and had to find a new job could receive training at one of the occupational rehabilitation centres for incapacitated persons. Local or inter-regional rehabilitation centres had been put into place in every region, including in the framework of an International Labour Organization (ILO) project, in order to meet the needs of the population while taking demand and the labour market into account. The national rehabilitation centre was responsible for defining working methods, organizing the regional centres and training their employees so that they could pass on their experience.

7. Ms. IVANENKO (Ukraine), referring to the representation of women in State bodies, acknowledged that only seven per cent of the members of the Supreme Council of Ukraine were women and that women was not represented in the Council of Ministers. However, women had some posts of executive power, because they were at the head of two State committees. They were also well represented in the leading structures of the ministries and specialized bodies of the executive, where they held 49 per cent of posts. In the humanitarian area, nearly 30 per cent of vice-ministers were women.

8. With regard to continuing training for women and their possibilities for changing employment, women with diplomas in higher education could simply take free or fee-based training. Women with secondary school diplomas could contact the employment services and learn a new trade through a system of additional training courses or reclassification. Thus, occupational training was not a problem, because there were many free courses open to all, men and women alike.

9. Mr. LATIK (Ukraine) agreed that equal opportunity for men and women should be embodied in the Constitution and in national legislation. The Government had set up a mechanism to collect and analyse statistical data on the question so as to have an exact idea of the situation of men and women in all sectors, the ultimate objective being to ensure gender equality in education and in the economic and political spheres. To that end, existing laws must be amended and new legislation drafted in order to guarantee the implementation of the fundamental rights of women. On 14 March 2007, an act had been passed on first reading which amended the Labour Code and required employers to create conditions conducive to gender equality at the workplace. It was also planned to amend the act on NGOs to entrust them with responsibility for monitoring the concrete implementation of the principle of parity.

10. Mr. DOROSHEVYCH (Ukraine) said that, like 190 other member States of the United Nations, in 2000 Ukraine had endorsed the Millennium Declaration and had committed itself to promoting gender equality and the empowerment of women as an effective way of combating poverty, hunger and illness. In order to honour Ukraine's commitments under the Declaration, the Ministry of the Economy, in cooperation with of the United Nations

Development Programme (UNDP), had drawn up a document which set a number of objectives together with concrete criteria and specific goals. The elaboration of the document had given rise to nationwide panel discussions and conferences, with the participation of the local authorities and NGOs, including 48 national women's associations active in promoting gender equality.

11. Mr. SUKHOLYTKYI (Ukraine) said that since the passage of the law on equal rights and opportunities in 2006, the Ministry of the Family and Youth had implemented a policy to promote the situation of women and to heighten awareness of gender inequalities. The central and local administrations were required to appoint an official to focus exclusively on all questions relating to gender equality. Research centres had been established to study problems of discrimination against women and gender inequality. However, the situation could not change from one day to the next, and the long-term challenge was to eliminate stereotypes and change mentalities with regard to the traditional role of women. To that end, Ukraine placed special emphasis on the education of the younger generations and had held seminars and panel discussions on the subject. To show the importance which it attached to all those questions, Ukraine had decreed 2007 to be the year of gender equality.

12. Ms. IVANENKO (Ukraine), referring to trafficking in persons, the role of the Coordinating Council and rehabilitation services for victims, said that many Ukrainian citizens went to work abroad because of the country's difficult economic situation. On the whole, those currently concerned were persons between the ages of 25 and 27, many of whom already had a family and children. Some victims of trafficking had ended up in distant countries, such as Korea, Nigeria or Yemen, and others in places much closer to home, the three most frequent destinations being Turkey, Russia and Poland. Ukraine had been one of the first European countries to introduce the concept of trafficking in its legislation; the offence was punished under article 49 of the Criminal Code. Although the number of criminal cases relating to trafficking in persons had risen perceptibly, that was not due to an increase in trafficking, but to an intensification of measures taken to combat the practice in cooperation with other countries.

13. The Ukrainian Ministry of the Interior was conducting joint initiatives with the British, Bulgarian, Russian and Czech authorities in an effort to dismantle trafficking rings. It also monitored the activities of companies with ties abroad, such as modelling agencies, travel agencies or agencies for placement in other countries. Certification had been withdrawn from a number of agencies engaged in questionable activities, and proceedings had been instituted against violators for fraud or falsification of identity papers for the purpose of obtaining a work visa for another country.

14. On 7 March 2007, a national programme to combat trafficking in persons had been adopted to address the offence, improve the effectiveness of detection and law-enforcement services and rehabilitate the victims. It aimed to strengthen legal mechanisms, better inform the population, in particular students in secondary school and higher education, promote cooperation between the Ukrainian law-enforcement services and those of other countries and provide assistance to the victims. Regional programmes for the prevention of trafficking had subsequently been elaborated and put into place by the local authorities on a needs-basis, since it was above all inhabitants from border regions and the poorest areas that went abroad. A Coordinating Council composed of representatives of the various ministries involved with the issue of trafficking had been set up to direct the activities of all State bodies and structures active in addressing the problem. A group of experts made up of representatives of social organizations helped the Coordinating Council to carry out its work.

15. The only way to combat trafficking in human beings was to conduct wide-ranging information campaigns in the media to heighten the awareness of persons most likely to become victims of prostitution and trafficking rings and teach them to recognize and avoid high-risk situations. NGOs, notably women's organizations, also played an important role in the prevention of trafficking by informing the public in seminars and panel discussions. In order to identify persons in danger of becoming victims of trafficking and to carry out prevention work with them, the authorities had set up a databank of persons liable to engage in prostitution or procurement. The Ministry of Justice had established more than 700 consultation units which witnesses of illegal activities could contact. Five hundred mobile consultation centres had held briefings and had distributed many brochures on trafficking in order to inform families, young people and children. A free confidential telephone service had been put into place for victims of trafficking, and NGOs had also set up a hot-line.

16. With regard to the social rehabilitation of victims of trafficking, which was a very difficult question in view of their vulnerability, a network of rehabilitation centres was in place, of which only five received State support, the others being administered by NGOs. The centres provided victims of trafficking with special psychological counselling, medical care, social welfare and employment assistance. Very often, persons who had gone abroad and had been victims of trafficking were destitute when they returned to Ukraine; to the extent possible, the rehabilitation centres helped them recover their property. For example, the Kiev centre, opened in 2002 by the International Organization for Migration (IOM) had helped about 1,000 women who had been victims of trafficking; 200 had regained possession of their apartments and almost all had recovered their identity papers and found employment.

17. Mr. KARBACHYNSKYI (Ukraine) said that numerous NGOs in the country collected invaluable information on the various minorities, for example the Roma and the Crimean Tatars, as well as on acts of discrimination of which members of those population groups claimed to have been victims. However, it was regrettable that the NGOs did not examine more closely the complaints brought to their attention to see whether the acts denounced were really discriminatory or whether the situation of the alleged victims was not due solely to unfavourable socio-economic conditions, which affected minorities in the same way as the rest of the population. Persons often tended to wrongly attribute their misfortunes to the simple fact that they were members of a minority, but it could not be concluded from the official information available to the Government that there was a systematic pattern of discrimination against such groups.

18. The property rights of Roma were not at risk at all; on the contrary, plots of land had been distributed to them in Transcarpathia, which had the country's highest concentration of Roma. A land reserve fund had also been set up for their benefit, and public services had been put into place at communal level which included health care. Roma were not excluded from social welfare programmes. In fact, they accounted for ten per cent of all families receiving such assistance. Like all other women, young Roma mothers received a subsidy upon the birth of their child and family benefits until the child's third birthday, as well as an allowance if they raised the child alone or were particularly needy or if the child had a disability. Measures were also taken to promote the occupational training and hiring of Roma and encourage them to set up small and medium-sized businesses. It must be said that Roma, who often were unskilled, had great difficulty finding employment on the labour market.

19. There had been a growing appreciation of Roma culture, as shown by the holding in November 2004 of the Ukrainian festival of Roma amateur ensembles in Belaya Tserkov under the auspices of the National Union of Associations “Congress of Roma of Ukraine”, as well as the annual international gypsy festival “Amala”, held since 2000, which brought together artists from a number of European countries. The President of the National Union of Associations “Congress of Roma of Ukraine” was also a member of the Council of Heads of Social Organizations of National Minorities of Ukraine, which was part of the Office of the President and aimed to guarantee effective cooperation between social organizations and national minorities, on the one hand, and the central bodies of executive power and local administrations, on the other. It was true that some persons did not have an identity card, but such cases were few in number, affecting only 610 adults and 471 children throughout the country.

20. Persons of African origin had in fact been victims of assaults on Ukrainian territory, as seen by the 23 complaints lodged for such acts in 2007. However, the European Commission against Racism and Intolerance, which had gone to Ukraine recently to meet with central authorities, had produced a generally positive analysis of the situation at national level and had merely criticized that the Government had not been working more closely with local and national NGOs to combat racism.

21. Although some magazines, such as the weekly Personal, sought to disseminate anti-Semitic theories in Ukrainian society, there had been only isolated incidents involving anti-Semitic acts, and Jewish cemeteries had not been exclusively targeted in the few cases of desecration of tombstones. The perpetrators of those acts of profanation had been prosecuted in criminal proceedings following a complaint lodged by the Supreme Council on Questions of Human Rights, Ethnic Minorities and Interethnic Relations. Aware of the vital importance of information and awareness campaigns for combating discrimination and xenophobia, the Government had spared no effort to bring about a change in mentalities. Time was its best ally in that regard.

22. Mr. KARBACHYNSKYI (Ukraine) said that the Crimean Tatars, the majority of whom were Muslims, did not encounter any obstacle to worshipping, and no problem of persecution had been reported. Since Ukraine had become independent, dozens of places of worship had been built, and according to estimates, there had been more than 600 unofficial Muslim organizations and seven official madrasas in the Crimea as of the beginning of 2007.

23. Mr. LATIK (Ukraine) said that the Ombudsman already had quite broad powers, because he could ask to meet with the President, the Prime Minister, the President of Parliament and the Chief Justice of the Constitutional Court and could, if he wished, attend the Council of Ministers and the proceedings of the Supreme Court and the Constitutional Court. If he deemed it necessary, he could call in experts and attend the proceedings of local judicial bodies, even those held behind closed doors.

24. Mr. DOROSHEVYCH (Ukraine) said that in recent years, Ukraine had witnessed a perceptible decline in the number of occupational accidents, although inspections were still often insufficient and ineffective. Since independence, the public authorities had sought to inspect factories before renewing operating permits issued during the Soviet period, and they had made sure that minimum security norms were met. Most factories were still equipped with obsolete machinery, which explained the unacceptably high number of fatal accidents.

25. Mr. YEFIMENKO (Ukraine) said some 40 pieces of legislation must be amended before Ukraine could ratify a number of important international instruments. Concerning nationality and statelessness, he noted that Ukraine had ratified the Council of Europe's European Convention on Nationality on 1 April 2007 and its Convention on the avoidance of statelessness in relation to State succession in 2006. It had also concluded 12 bilateral agreements in the area of the protection of migrant workers and seven on social welfare.

26. Ms. DROZDOVA (Ukraine) said that most violations of labour law concerned salaries, which were sometimes below the legal minimum wage. Administrative sanctions were imposed in most cases, but sometimes factory directors were also made criminally liable. The subsistence minimum and the minimum wage were calculated every year as a function of the cost of living. Although workers were sometimes still paid less than the minimum wage or the subsistence minimum, the number of such cases had declined perceptibly thanks to the implementation of the poverty eradication strategy. With regard to the ratification of international instruments on labour, the Ministry of Labour and Social Policy was taking the necessary steps so that Ukraine could soon ratify ILO Conventions Nos. 121, 128, 130 and 168.

Articles 10 to 12 of the Covenant

27. Mr. RIEDEL, noting that, according to paragraph 377 of the report, over the last three years virtually every third newborn child had had some form of birth defect and that the percentage of premature and underweight births remained high, sought statistics that would help assess the evolution of the situation. He was pleased that a wide range of measures had been taken to protect and improve the health of mothers and children, but would like to know what the results had been, in particular in rural areas. He noted that the State party had adopted a national HIV/AIDS control programme but had doubts about its effectiveness, given that the infection rate had risen from 9 per cent in 2003 to 14 per cent in 2006. He asked what measures had been taken to combat the stigmatization of certain groups of persons particularly hard hit by HIV/AIDS. According to some sources of information, only 50 per cent of medical care and services were reimbursed by the State, and the rest had to be borne by patients. It would be useful if the delegation could provide information on that subject.

28. Mr. PILLAY said that the poverty eradication strategy did not seem to be successful in Ukraine and that, according to some sources of information, the poverty rate, which stood at 28 per cent, might rise by 10 per cent on account of the ineffectiveness of mechanisms in place to reduce poverty in the neediest groups. He enquired what measures had been taken by the State party to address the situation. On housing, he noted that, according to paragraph 362 of the report, the State was setting in place conditions to ensure that all citizens had the opportunity to build their own houses or to acquire or rent homes, and it guaranteed the right to housing. However, the situation on the ground seemed to be quite different, since many communities, and notably Roma and Crimean Tatars, lived in camps and did not have access to drinking water, electricity or the sewage system. Moreover, apparently no low-income housing had been built, although the demand was huge. He asked the delegation to provide information on those questions.

29. Mr. RZEPLINSKI said it appeared that very few cases of domestic violence had been referred to the courts and that, despite a number of laws, measures and decisions, no case had ever resulted in a guilty verdict. The public prosecutors seemed to be reluctant to take interim protection measures, which left women at the mercy of acts of violence. The Kharkiv Human Rights Defence Group had criticized that it was necessary to call the police three times before an

arrest was made. He would like to hear the delegation's view in that regard, as well as on measures taken by the Kiev Municipal Council and the Government to address the problem of street children, who did not receive any State assistance, although according to the Special Rapporteur on the sale of children, child prostitution and child pornography, their numbers had been growing continuously. Another problem was that of orphans who had been placed in special schools and were in danger of being sent to psychiatric institutions even for negligible offences. He also asked about children who worked in mines, the increase in the number of child beggars, which had been denounced by the Ukrainian Helsinki Human Rights Union, and alcoholism among minors. What measures had been taken by the Government, and what medical care had been provided to those children?

30. On article 11 of the Covenant, he noted that only 70 per cent of the 300 Crimean Tatar facilities had access to drinking water and that 25 per cent of those watering places were only available privately. Refugees and asylum-seekers also lived in hardship. Poor prison conditions and overcrowding, both in cells and in prison hospitals, had already been the subject of decisions by the European Court of Human Rights criticizing Ukraine. He also pointed out that the written reply of the Government to question 23 of the list of issues only mentioned legislation and did not cite any concrete measure to control the HIV/AIDS epidemic, which was said to affect one Ukrainian in 70.

31. Ms. WILSON asked when the bill on domestic violence was to enter into force and whether it would make such behaviour a criminal offence or only sanction it through administrative measures. With regard to violence against children, she sought details on the situation in schools referred to in paragraph 271 of the report, and she enquired whether measures had been taken to protect children from other children or their families and whether such acts constituted criminal offences. She would also like to know whether corporal punishment was prohibited only in school or in the family sphere as well. Given the high mortality rate and the large number of children with congenital health problems, she wondered what preventive measures had been adopted, including for pregnant women, and what was being done to reduce infant and child mortality. The report under consideration enumerated a large number of measures, but had not indicated what the results had been. On the growing prevalence of cancer and the increase in malignant tumours, she asked what prevention programmes had been put into place to detect cancer at an early stage so that it could be treated in time.

32. Mr. ATANGANA would like to learn more about new mechanisms planned by the State party to combat domestic violence and also about progress made on, and possible entry into force of, the special decree currently being prepared to approve directives governing modalities of cooperation between administrations responsible for family affairs and youth. He also sought information on the results of criminal proceedings instituted in connection with trafficking in human beings.

33. Mr. SADI said that, given the persistence and scale of the problem of trafficking, either the information campaigns were ineffective or the sanctions were not a sufficient deterrent. He would like to know how information was actually disseminated and asked for an overview of campaigns in place on the subject. What sanctions were imposed in that regard?

34. Ms. BARAHONA RIERA raised the question of environmental protection, which, although a ministry and legislation addressed the issue, was not self-evident in a country that mainly exported semi-finished products, which were sources of pollution. She would like to

know more about progress made in that area, as well as on difficulties encountered in terms of education, information, sanctions, transparency, corruption and regulations.

35. As to the redefinition of domestic violence as an offence, she hoped that, under Government guidance, the new bill in preparation would make it possible to institute criminal prosecution for such acts. She also asked whether the State party planned to ratify the Optional Protocol to the Convention on the Elimination of Discrimination against Women. She enquired what legislation governed sexual harassment, whether it took effect only in the context of the workplace and whether the offence was punishable only by a fine or by real sanctions. She also wondered whether corporal punishment of orphans was prohibited and whether it was planned to amend the Family Code to that end as part of a broader reform of orphanages and their administration as well as norms for the protection of the rights of the child. Lastly, she sought information on the financing of the health care system and in particular on medical care in rural areas.

36. Mr. ZHAN Daode, noting the considerable increase in the sexual exploitation of children referred to in paragraph 325 of the report, asked what new measures the Government had taken in response. Another problem of concern was Ukraine's high mortality rate and low birth rate, which jeopardized the country's future.

37. Mr. KARBACHYNSKYI (Ukraine), referring to the standard of living of Crimean Tatars in general and, inter alia, the water supply and the number of tarred roads, said that since Ukraine had become independent, the Government had spent US\$ 200 million for improvement projects for that population group. Not all those deported had been Crimean Tatars, of whom 250,000 had returned to their homeland, but also Bulgarians, Germans, Greeks and others. All those persons had the status of members of unjustly deported populations. In 2006, the Government had adopted a special programme, to last until 2010, to resettle Crimean Tatars and other ethnic groups who had returned to the country and to carry out improvement projects for their benefit. The initiative also included measures to help them to adapt and reintegrate society, for example economic rehabilitation, the creation of small businesses, employment, cultural activities etc. Some 4500 persons had also benefited from special programmes elaborated by State bodies in the Crimea. Over the past 16 years, public expenditure for the Crimean Tatars had been considerable: Ukraine had spent 950,000 hryvnias on the construction of housing, roads and schools, as well as water and gas pipelines and power lines. In 2007, the State party had earmarked 71.4 million hryvnias for the settlement of deported persons. Public expenditure had totalled more than 67 million hryvnias, and 4.5 million hryvnias had been invested in the social and cultural spheres. With regard to the question of land ownership, he said that there was no body responsible for the restitution of property, but 78,000 Crimean Tatars, or 70.2 per cent of the adult population of rural areas, had already received plots of land; more than 145 hectares had already been distributed.

The meeting rose at 1 p.m.
